

# **APPROVED**

## **BOARD OF DENTISTRY**

### **MINUTES**

#### **SPECIAL CONFERENCE COMMITTEE "B" MEETING**

**TIME AND PLACE:** Special Conference Committee "B" convened on February 23, 2007, at 9:07 a.m., at the Department of Health Professions, Richmond, Virginia.

**APPROVAL OF MINUTES:** Dr. Snyder moved to approve the Minutes of the Special Conference Committee "B" meeting held on January 5, 2007, and the Minutes of the Special Conference Committee Conference Call on January 25, 2006. The motion was seconded and passed.

**FIRST CONFERENCE:** 9:07 a.m.

**PRESIDING:** Edward P. Snyder, D.D.S.

**MEMBERS PRESENT:** Jeffrey Levin, D.D.S.  
Jacqueline G. Pace, R.D.H.

**STAFF PRESENT:** Sandra K. Reen, Executive Director  
Cheri Emma-Leigh, Operations Manager  
Cynthia E. Gaines, Adjudication Specialist

**QUORUM:** All three members of the Committee were present.

**Jeffrey Burns, D.D.S.  
Case No. 102482** Jeffrey Burns, D.D.S., appeared without counsel, to discuss allegations that he may have:

1. violated § 54.1-2706(5) and (11) of the Code, in that on September 26, 2000, he delivered to Patient A two five-unit bridges spanning between abutment teeth #2 - #6 and abutment teeth #11 - #15, which were excessively long and lacked support, had significant periodontal compromise, had poor abutment crown-root ratio, and were of poor quality; and
2. violated § 54.1-2706(9) of the Code, and 18 VAC 60-20-15(2) of the Regulations of the Board of Dentistry, in that records for Patient A, did not contain a health history or signed consent forms for treatment.

The Committee received Dr. Burn's statements and discussed the evidence in the case with him.

**Closed Meeting:**

Ms. Pace moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Jeffrey Burns, D.D.S. Additionally, Ms. Pace moved that Board staff, Sandra Reen and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Cynthia Gaines, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:**

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Ms. Pace moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

**Decision:**

Ms. Gaines reported the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Dr. Burns holds a current Virginia dental license;
2. Adopted as Findings of Fact and Conclusions of Law, Allegation #1 as stated in the Notice of Informal Conference; and
3. Allegation #2 as stated in the Notice of Informal Conference was dismissed.

The sanctions reported by Ms. Gaines were that Dr. Burns be required to complete seven (7) continuing education hours in recordkeeping and risk management, and be assessed a monetary penalty of one thousand dollars (\$1,000.00).

Dr. Levin moved to adopt the decision of the Committee as reported by Ms. Gaines. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Burns unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Burns. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Committee shall be vacated.

**SECOND CONFERENCE:**

11:04 a.m.

**PRESIDING:**

Edward P. Snyder, D.D.S.

**MEMBERS PRESENT:**

Jeffrey Levin, D.D.S.  
Jacqueline G. Pace, R.D.H.

**STAFF PRESENT:**

Sandra K. Reen, Executive Director  
Cheri Emma-Leigh, Operations Manager  
Gail W. Ross, Adjudication Specialist

**QUORUM:**

All three members of the Committee were present.

**Don K. Roberts, D.D.S.  
Case No. 102982**

Don K. Roberts, D.D.S., appeared with counsel, Nicholas A. Balland, Esq., to discuss allegations that he may have violated § 54.1-2706(5) and (11) of the Code, in that, from on or about November 27, 2002 through February 2, 2005, he performed restorations on Patients A - T that resulted in complaints of tooth pain and/or problems related to chewing/biting and hot/cold sensitivity. Patients A - J required additional adjustments because of high occlusions, and Patients K - T were subsequently treated for tooth fractures and cracked tooth syndrome.

The Committee received Dr. Robert's statements and discussed the evidence in the case with him.

**Closed Meeting:**

Ms. Pace moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Don K. Roberts, D.D.S. Additionally, Ms.

Pace moved that Board staff, Sandra Reen and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:**

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Ms. Pace moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

**Decision:**

Ms. Ross reported the Committee adopted as the Findings of Fact and Conclusions of Law, the allegations as stated in the Notice of Informal Conference, with an additional Finding of Fact that the evidence presented demonstrated a pattern of faulty technique in defective restorative care.

The sanction reported by Ms. Ross was that Dr. Roberts be reprimanded, be required to complete seven (7) continuing education hours in dental materials, seven (7) continuing education hours in occlusion, and seven (7) continuing education hours in recordkeeping and risk management, and be assessed a monetary penalty of four thousand dollars (\$4,000.00).

Ms. Pace moved that the Committee adopt the Findings of Fact and Conclusions of Law, and the sanctions as reported by Ms. Ross. The motion was seconded and passed.

**As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Roberts unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Roberts. If service of the Order is made by mail, three additional days shall be added to**

that period. Upon such timely request for a formal hearing, the decision of this Committee shall be vacated.

**THIRD CONFERENCE:**

1:28 p.m.

**PRESIDING:**

Edward P. Snyder, D.D.S.

**MEMBERS PRESENT:**

Jeffrey Levin, D.D.S.  
Jacqueline G. Pace, R.D.H.

**STAFF PRESENT:**

Sandra K. Reen, Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist

**QUORUM:**

All three members of the Committee were present.

**Paul R. Finamore, D.D.S.  
Case No. 96475**

Paul R. Finamore, D.D.S., appeared without counsel, to discuss allegations that he may have violated § 54.1-2706(5) and (11) of the Code, in that, on or about November 14, 2003, during his treatment of Patient A, he caused a deep burn to the lower left side of Patient A's cheek while performing restorations to teeth #13 and #31. As a result, Patient A developed a scar on her face, measuring approximately two (2) centimeters by one (1) centimeter. Further, he failed to refer the patient to a physician for medical treatment, and failed to follow-up with the patient regarding the injury.

The Committee received Dr. Finamore's statements and discussed the evidence in the case with him.

**Closed Meeting:**

Ms. Pace moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Paul R. Finamore, D.D.S. Additionally, Ms. Pace moved that Board staff, Sandra Reen and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

**Reconvene:** The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Ms. Pace moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

**Decision:** Dr. Snyder reported that the Committee determined that a violation of the Board's statutes and regulations was not established by clear and convincing evidence, and therefore, the case is dismissed. Ms. Pace moved to adopt the decision of the Committee. The motion was seconded and passed.

**ADJOURNMENT:** With all business concluded, the Committee adjourned at 1:59 p.m.

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Edward P. Snyder, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date